

41-05-05

DFW



PATENT

Attorney Docket No.: H0004515-5837US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Horning, et al.
Serial No.: 10/689,801
Filed: October 21, 2003
For: METHODS AND SYSTEMS
FOR PROVIDING MEMS
DEVICES WITH A TOP CAP
AND UPPER SENSE PLATE

Group No.: 2813
Examiner: Pham, Thanhha S.

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

- Transmitted herewith is:
 - Amendment Transmittal including Certificate of Express Mail (3 pgs., *in duplicate*)
 - Response to Restriction Requirement (2 pgs.)
 - Return post card

STATUS

- Applicant
 - ☐ claims small entity status.
 - ☒ is other than a small entity.

CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS

Express Mail No. EV 459189320 US
Date: April 4, 2005

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Robert E. Slenker, Reg. No. 45,112

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ first month	\$ 120.00	\$ 60.00
_____ second month	\$ 450.00	\$ 225.00
_____ third month	\$ 1,020.00	\$ 510.00
_____ fourth month	\$1,590.00	\$ 795.00
_____ fifth month	\$2,160.00	\$1,080.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

OR

- (b) X Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OR	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL INDEP.	MINUS		=	x \$25.00 = \$		x \$50.00 = \$
	MINUS		=	x \$100.00 = \$		x \$200.00 = \$
— FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$180.00 = \$		+ \$360.00 = \$
				TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

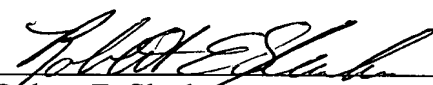
5. Attached is a check in the sum of \$_____
- ☐ Charge Deposit Account No. 01-2384 the sum of \$_____.
A duplicate of this transmittal is attached.

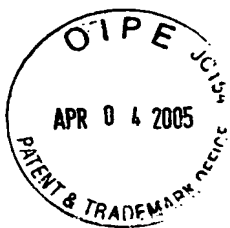
FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:


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Art Unit: 2813

Examiner: Pham, Thanhha S.

RESPONSE TO RESTRICTION REQUIREMENT

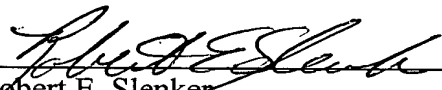
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Sir:

The Office Action mailed March 17, 2005, has been carefully reviewed and the following is made in consequence thereof. In response to the restriction requirement set forth in the Office Action, Applicants elect for prosecution in this application all claims of Invention III as identified in the Office Action. Claims 14-27, drawn to micro-electromechanical system devices and wafers, are in the elected claim group.

The restriction requirement is traversed because the inventions set out by the claims in Inventions I, II and III clearly are related. It is believed that a thorough search and examination of either claim group would be relevant to the examination of the other group. In addition, requirements for restriction are not mandatory under 35 U.S.C. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully submitted,


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